

CHAPTER 13
EXECUTIVE BRANCH LOBBYISTS

351—13.1(68B) Lobbyist code of ethics—executive branch lobbyists.

1. A person shall not engage in any activity as an executive branch lobbyist, nor accept compensation from the client, until registration has been completed. A lobbyist may register on or after December 1 for the following year.
2. A lobbyist shall not intentionally deceive or attempt to deceive any public official with regard to any material fact pertinent to an administrative rule or an executive order by an executive branch state agency.
3. A lobbyist shall not cause a communication to be sent to a public official in the name of any fictitious person or in the name of any real person except with the consent of that person.
4. A lobbyist shall not accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed administrative rule or an executive order by an executive branch state agency or a statewide elected official.
5. A lobbyist shall not accept money from a client designated by the client for the purpose of making campaign contributions in the name of the lobbyist.

351—13.2(68B) Lobbyist quarterly reports and lobbyist client reports.

13.2(1) The quarterly report required to be filed with the board pursuant to Iowa Code section 68B.37 shall be filed for the preceding quarter by the dates specified in section 68B.37. “Filed” means either physical receipt in the board’s offices by the due date, or United States Postal Service postmark dated on or before the day before the due date. Reporting forms are available from the board upon request. A person who cancels all active lobbyist registrations shall provide written notice of the cancellation to the board and shall file a final quarterly and annual report as required by section 68B.37.

13.2(2) The lobbyist client report required to be filed with the board pursuant to Iowa Code section 68B.38 shall be filed for the preceding six calendar months by the dates specified in section 68B.38, with the report due January 31 to include the additional annual information. “Filed” for the purpose of this report means the same as in subrule 13.2(1). Reporting forms are available from the board upon request.

This rule is intended to implement Iowa Code sections 68B.37 and 68B.38.

351—13.3(68B) Designated representatives. For the purpose of Iowa Code section 68B.2(13) “a,” subparagraphs (2) and (3), the representative(s) designated by an organization or a federal, state, or local agency for the purpose of encouraging the passage, defeat, approval, veto, or modification of a rule or an executive order by a state agency or a statewide elected official shall be appointed in writing by the head of the organization or agency.

351—13.4(68B) Nonlobbying activities. Nonlobbying activities are set forth in Iowa Code section 68B.2(13) “b.” The following are examples of activities which are not considered to be lobbying activities:

1. Annual budget presentations to the office of the governor and department of management.
2. Collaborative and cooperative activities between and among state agencies.
3. Public hearing testimony and written comments solicited by a state agency on proposed rules under Notice of Intended Action. However, testimony presented to a state agency in a setting or format other than that contemplated by Iowa Code section 17A.4(1) is considered to be lobbying.

351—13.5(68B) Penalties for failure to register. A person who lobbies an executive branch state agency without registering in advance shall be suspended from any future lobbying activities for a period of time to be determined by the board, but not less than 30 days. The board may also impose a civil penalty not to exceed \$1,000.

351—13.6(68B) Penalties for late lobbyist reports. A person who registers as a lobbyist in the executive branch of Iowa government but fails to timely file a required lobbyist’s periodic report shall be subject to an automatic civil penalty according to the following schedule:

Days	1st	2nd	Subsequent
Delinquent	Occurrence	Occurrence	Occurrences
	in a calendar year	in a calendar year	in a calendar year
1 to 14	\$ 25	\$ 50	\$100
15 to 30	50	100	200
31 and over	100	200	400

351—13.7(68B) Penalties for late client reports. A client who fails to timely file a required client’s report shall be subject to an automatic civil penalty according to the following schedule:

Days	1st	2nd
Delinquent	Occurrence	Occurrence
	in a calendar year	in a calendar year
1 to 14	\$ 25	\$ 50
15 to 30	50	100
31 and over	100	200

351—13.8(68B) Discretionary penalties. In its discretion the board may assess penalties in lieu of or in addition to the automatic fines based upon the inappropriate or unusual circumstances of the delinquency.

351—13.9(68B) Requests for waiver or reduction of assessed penalties. Any person who is assessed a penalty under this chapter may apply to the Iowa ethics and campaign disclosure board for consideration of a waiver or reduction of the assessed amount.

351—13.10(68B) Lobbyist compensation—reporting and exemptions. For the purposes of determining whether an executive branch lobbyist qualifies for an exemption from filing quarterly lobbyist reports under Iowa Code section 68B.37, subsection 3, a lobbyist is deemed to receive “compensation” for the lobbying representation and would be ineligible for the exemption if the lobbying is included as any part of the duties of the job for which the person registered as a lobbyist receives payment. Likewise, a lobbyist’s client does not qualify for an exemption from semiannual client reporting if lobbying is included as any part of the duties of the job for which the person registered as a lobbyist receives payment. However, the amount of salary which must be reported by the client may be a prorated amount of payment based upon the approximate amount of time spent by the person performing lobbying activities.

A lobbyist who is exempt from quarterly lobbyist reporting or whose client is exempt from semi-annual client reporting shall so indicate in writing to the board at the time the lobbyist files registration, and shall also file with the registration a lobbyist client report which covers all of the calendar year covered by the registration. If the lobbyist claiming the exemption subsequently files a quarterly lobbyist report, the exemption is deemed waived, and the lobbyist and client will be subject to future filing obligations unless a new claim of exemption is claimed.

These rules are intended to implement Iowa Code sections 68.37, 68B.4, 68B.32, 68B.32A and 68B.38.

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